



PRESENT:

Mr. Daniel A. Gecker, Chairman
Mr. Sherman W. Litton, Vice-Chairman
Mr. Jack R. Wilson, III
Mr. Russell J. Gulley
Mr. F. Wayne Bass
Mr. Kirkland A. Turner, Secretary to the Commission,
Planning Director

ALSO PRESENT:

Mr. M. D. "Pete" Stith, Jr., Deputy County Administrator,
Community Development
Mr. Glenn E. Larson, Assistant Director, Plans and Information
Branch, Planning Department
Ms. Beverly F. Rogers, Assistant Director, Zoning and
Special Projects, Planning Department
Mr. Robert V. Clay, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Jane Peterson, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Darla W. Orr, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Teresa C. Davis, Administrative Secretary, Zoning and
Special Projects, Planning Department
Mr. J. Michael Janosik, Zoning Administrator,
Planning Department
Mr. Gregory E. Allen, Planning Administrator,
Development Review, Planning Department
Mr. Jeffrey H. Lamson, Senior Planner, Development
Review, Planning Department
Mr. Alan G. Coker, Senior Planner, Development
Review, Planning Department

Mr. Doug Mawby, Senior Planner, Development
Review, Planning Department

Mr. David A. Hainley, Planning Administrator,
Development Review, Planning Department

Ms. Barbara Fassett, Planning Administrator, Advance Planning
and Research Branch, Planning Department

Mr. James K. Bowling, Principal Planner, Advance Planning
and Research Branch, Planning Department

Ms. Sara Carter, Principal Planner, Advance Planning
and Research Branch, Planning Department

Mr. Carl D. Schlaudt, Principal Planner, Advance Planning
and Research Branch, Planning Department

Mr. Steven F. Haasch, Senior Planner, Advance Planning and
Research Branch, Planning Department

Ms. Linda N. Lewis, Administrative Assistant, Administrative
Branch, Planning Department

Ms. Deanna D. Harkabus, Secretary, Administrative
Branch, Planning Department

Ms. Vanessa N. Kent, Assistant Deputy Clerk,
Administration Branch, Planning Department

Mr. David W. Robinson, Assistant County Attorney,
County Attorney's Office

Ms. Tara McGee, Assistant County Attorney,
County Attorney's Office

Mr. Allan M. Carmody, Budget Manager,
Budget and Management Department

Mr. R. John McCracken, Director,
Transportation Department

Mr. Richard M. McElfish, Director,
Environmental Engineering Department

Ms. Joan Salvati, Water Quality Administrator,
Environmental Engineering Department

Mr. Douglas Pritchard, Jr., Engineering Supervisor,
Environmental Engineering Department

Mr. Randolph Phelps, Senior Engineer,
Utilities Department

Ms. Jennifer Wampler, Planner, Parks Maintenance Division,
Parks and Recreation Department

Assistant Fire Marshal Steve Hall, Fire and Life Safety,
Fire Department

Ms. Cynthia Owens-Bailey, Director of Planning,
School Administration

WORK SESSION

At approximately 12:00 p. m., Messrs. Gecker, Litton, Wilson, Gulley, Bass and staff met in Room 502 of the Chesterfield County Administration Building for lunch and a work session to discuss the following:

- A. Requests to Postpone Action, Emergency Additions or Changes in the Order of Presentation.**
- B. Review Day's Agenda.**
(NOTE: At this time, any items listed for the 3:00 p. m. and 7:00 p. m. Sessions will be discussed.)
- C. Plans and Information Section Update.**
- D. Work Program – Review and Update.**
- E. Draft Chester Plan.**
- F. Follow-up Discussion Relative to Growth Management Retreat Items.**
- G. Review of Lot Size Requirements.**

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

Mr. Turner indicated Mr. Stith was present to update the Commission on the status of Cloverleaf Mall and requested the Commission amend the agenda to add a new Item B. for discussion.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission amended the agenda to add a new Item B., Update on Cloverleaf Mall and reordered the agenda accordingly.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

B. UPDATE ON CLOVERLEAF MALL.

Mr. Stith presented an overview of the current status relative to Cloverleaf Mall and future development plans.

C. REVIEW DAY'S AGENDA.

Ms. Rogers updated the Commission as to the status of, and staff's recommendation for, Case 05PS0144, Riverstone Properties, LLC (Centerpointe) to be considered during the Afternoon Session.

Mr. Hainley updated the Commission as to the status of, and staff's recommendation for, the requests to be considered during the Afternoon Session.

Prior to discussion of the status of, and staff's recommendation for, the requests to be considered during the Afternoon Session, Mr. Allen stated his children attended the applicant's facility, declared a potential conflict of interest relative to Case 05PR0128, Katherman & Company (Goddard School – Rivers Bend), pursuant to the Virginia Conflict of Interest Act and excused himself from the meeting at approximately 12:43 p. m.

Upon conclusion of Mr. Coker's presentation relative to Case 05PR0128, Katherman & Company (Goddard School – Rivers Bend), Mr. Allen returned to the meeting at approximately 12:44 p. m. and completed the review of the 3:00 p. m. Afternoon Session agenda.

Ms. Rogers updated the Commission as to the status of, and staff's recommendation for, the zoning requests to be considered during the 7:00 p. m. Evening Session, as well as pending caseloads for the upcoming months.

Mr. McElfish updated the Commission as to the status of, and staff's recommendation for, a proposed Amendment to the Subdivision Ordinance Relative to Issuance of Building Permits and Paving of Streets and Minimum Pavement Design, scheduled for public hearing at the 7:00 p. m. Evening Session.

Mr. Janosik updated the Commission as to the status of, and staff's recommendation for, the proposed Ordinance Amendments relative to home occupations, scheduled for public hearing at the 7:00 p. m. Evening Session.

D. ADVANCE PLANNING AND RESEARCH BRANCH PROJECTS UPDATE.

Ms. Fassett updated the Commission as to the status of ongoing meetings relative to the Upper Swift Creek Plan Amendment.

Mr. Schlaudt updated the Commission as to the status of ongoing citizens meetings relative to the Northern Area Plan Amendment.

E. WORK PROGRAM.

Upon conclusion of discussion relative to the Commission's Work Program, it was the consensus of the Commission to adopt their December 2004 Work Program, as outlined by Mr. Turner.

F. DRAFT CHESTER PLAN.

Ms. Carter stated, based upon further analysis and citizen comments, staff recommended additional work sessions pertaining to the draft Chester Plan be continued after January 1, 2005.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

G. FOLLOW-UP DISCUSSION RELATIVE TO GROWTH MANAGEMENT RETREAT ITEMS.

Staff and the Commission reviewed/discussed proposed strategies relative to the Growth Management Retreat.

Upon conclusion of the discussion, the Commission requested that staff forward a report outlining the Commission's recommendations to the Board of Supervisors.

There was consensus to continue discussion relative to the Neo-Traditional Zoning District and the Reduction of Road Stripping.

H. REVIEW OF LOT SIZE REQUIREMENTS.

Due to time constraints, the Commission deferred consideration of the Review of Lot Size Requirements to after the conclusion of the 3:00 p. m. Afternoon Session.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

I. RECESS.

The Commission recessed at approximately 2:40 p. m., agreeing to reconvene in the Public Meeting Room at 3:00 p. m. for the Afternoon Session.

3:00 P. M. AFTERNOON SESSION

Mr. Gecker, Chairman, called the Afternoon Session to order at 3:00 p. m. in the Public Meeting Room of the Chesterfield County Administration Building.

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

B. APPROVAL OF PLANNING COMMISSION MINUTES – OCTOBER 19, 2004.

Mr. Turner stated that the first order of business would be the consideration of the October 19, 2004, Planning Commission minutes.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission resolved to approve the October 19, 2004, Planning Commission minutes, as written.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

C. CONSIDERATION OF THE FOLLOWING REQUESTS:

♦ **DEFERRAL REQUEST BY APPLICANT.**

05PS0144: (Amended) In Matoaca Magisterial District, **RIVERSTONE PROPERTIES, LLC** requested deferral to January 18, 2005, of consideration for schematic plan approval. This project is commonly known as **CENTERPOINTE**. This request lies in Residential (R-7), Corporate Office (O-2) and Community Business (C-3) Districts on a 750.9 acre parcel fronting in two (2) places for a total of approximately 4,400 feet on the north line of Powhite Parkway and along the east and west lines of Route 288. Tax IDs 724-693-6630; 724-694-5390; 726-694-0343; 726-695-0706 and 3178; 726-697-4349; 727-698-7803; 728-695-2429 and 8731; 728-697-2424; 729-696-0058; 731-696-2505; 732-694-0332; and 733-695-1700 (Sheets 5, 9 and 10).

Ms. Malia Flatt, the applicant's representative, requested deferral to the January 18, 2005, Planning Commission meeting.

No one came forward to speak in favor of, or in opposition to, the deferral.

Mr. Gecker opened the discussion for public comment.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Litton, the Commission resolved to defer Case 05PS0144, Riverstone Properties, LLC (Centerpointe) to the January 18, 2005, Planning Commission meeting.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

◆ **CASES WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT.**

05FM0024: In Matoaca Magisterial District, **WAYNE HASKETT** requested an alternative standard to Section 17-84 which requires 40,000 square feet and a lot width of 120 feet for lots developed with on-site disposal. This development is commonly known as **HASKETT PLACE**. This request lies in an R-15 District on a 5.189 acre parcel fronting approximately 536.16 feet on the western line of Bailey Bridge Road, also fronting approximately 292 feet on the eastern line of Old Bailey Bridge Road. Tax ID 739-675-8824 (Sheet 16).

Mr. Wayne Haskett, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Litton, the Commission resolved that approval of an alternative standard to Section 17-84(b) to permit the creation of two (2) smaller lots smaller than the required lot size and width for Case 05FM0024, Wayne Haskett (Haskett Place) shall be and it thereby was granted.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

05PR0128: In Bermuda Magisterial District, **KATHERMAN & COMPANY** requested Planning Commission approval of a site plan with an eight (8) foot reduction to the forty (40) foot west buffer and a forty (40) foot reduction to the forty (40) foot south buffer for a day care school. This project is commonly known as **GODDARD SCHOOL - RIVERS BEND**. This request lies in a Neighborhood Office (O-1) District on a 2.7 acre parcel fronting approximately 180 feet on the west line of Rivers Bend Boulevard and approximately 260 feet south of Hogan's Drive. Tax ID 815-653-0690 (Sheet 27).

Mr. Turner noted that Mr. Allen had excused himself from the meeting due to his previously stated conflict of interest relative to this case that his children attended the applicant's facility and that Mr. Alan Coker would be presenting the request.

Ms. Kristin Keatley, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved that approval of Request I for a reduction of eight (8) feet to the required forty (40) foot buffer adjacent to the residentially zoned property to the west where an existing utility easement runs parallel to the buffer; approval of Request II for a reduction up to forty (40) feet to the required forty (40) foot buffer to the south; and approval of Request III for a site plan for Case 05PR0128, Katherman & Company (Goddard School - Rivers Bend) shall be and it thereby was granted, subject to the following conditions and review comments:

CONDITIONS

1. Review and approval of the building next to the west buffer will be made at time of site plan review by the Planning Commission. (P)
2. Plans shall be revised and submitted for administrative review that address the following Review Comments. (P)

REVIEW COMMENTS:

1. Based on Transportation Department standards, a right turn lane along Rivers Bend Boulevard at the Hogans Drive intersection is warranted. This must be constructed prior to the issuance of a Certificate of Occupancy on the site. (T)
2. The density of this site will be subtracted from the overall permissible density established by zoning Case 95SN0109. For an account of the remaining permissible density, please contact the Transportation Department. The density chart shown on the plans is not correct. Contact Jesse Smith for revisions. (T)
3. Revise the submitted fire apparatus turning radius shown on Sheet C09, to match the revised drawings that will accommodate fire apparatus in accordance with the International Fire Code. (F)
4. Delete "detector" in the double check assembly descriptions on the utility plan and materials list. (U)
5. Rearrange the water services to place the service connections on the subject property as per the faxed drawing. Delete the eight (8) inch valve at the double check assembly and shift the eight (8) inch to six (6) inch reducer to the fire hydrant tee. (U)
6. Show the irrigation service on the legend. It will have a 3/4" service connection. (U)
7. Show the "increaser" as a reducer on the plumbing line. (U)
8. Show a profile for the proposed waterline showing how it crosses the storm pipes and sewer lateral. Lowerings may be by transition if there are no tees or services within fifty (50) feet. Otherwise, lowering will be by vertical bends. (U)

9. Show the existing sanitary sewer on the pipe #10 profile. (U)
10. Show the sewer lateral on the plan. (U)
11. The proposed buildings should be in dark lines. (U)
12. Terminate the private sewer easement at the existing sewer easement, the County property line and the Thompson property line. (U)
13. Show the deed book and page number of the existing sewer easement. (U)
14. Delete references to the sewer lateral into manhole #9 if it is going into the next upstream manhole. This is labeled #8 but is #10. The next upstream manhole from #10 is #11. (U)
15. It is the responsibility of the applicant to comply with and/or acquire all applicable Federal and/or State permits in relationship to environmental features including but not limited to "wetlands, surface waters (e.g. VPDES permit for construction sites of 1 acre or more, ground water and air quality)" final approval of these plans will not relieve you of your responsibility. Wetlands documentation must be received by this department prior to issuance of the land disturbance permit. (EE)
16. (Not used).
17. Clarify the elevations shown on the sediment trap detail on Sheet C8. (EE)
18. Provide metes and bound for the proposed drainage easement - private. (EE)
19. Permission must be obtained from the adjacent property owner(s) allowing for grading on the property as proposed prior to issuance of a land disturbance permit. (EE)
20. All onsite drainage easements including stormwater/BMP drainage easements must be recorded prior to issuance of a building permit for this project. (EE)
21. Prior to issuance of a land disturbance permit, a diskette/CD, the format of which shall be AUTOCAD.DWG or DXF, must be submitted to Virginia Barbour of Environmental Engineering. The diskette/CD must contain the following, each in a separate layer:
 - A. Final grading contour lines (five (5) foot intervals);
 - B. Proposed building footprint;
 - C. All impervious area (parking lots, driveways, roads, etc); and
 - D. The storm sewer system. A layer report printed from Autocad must be submitted with the diskette/CD. Both the diskette/CD and the report must be labeled with the site plan name, site plan number and the engineering firm. All Autocad files must be referenced directly to the Virginia State Plane Coordinate System, South Zone, in the NAD83 datum. (EE)
22. A land disturbance permit is required for this project and the following are required prior to its issuance:

- A. Substantial or full site plan approval.
 - B. A letter must be received from a qualified wetlands expert stating:
 - 1. There are no wetlands impacted on this project, or
 - 2. All applicable Federal and State wetland permits have been acquired (copies of the permits must be submitted).
 - C. Copies of the Virginia Pollutant Discharge Elimination System (VPDES) general permit registration statement and permit fee form (as developed by the Department Of Environmental Quality) must be submitted (sites of one (1) acre or more). (EE)
23. Put a revision date on the resubmitted plans. Resubmit ten (10) full sets and one (1) copy of the site plan sheet to the Planning Department for your next review. Use the spaces below each comment to describe how you have addressed each review comment. Be sure to indicate which sheets show the required changes. Provide a transmittal letter to describe any changes to the plans not caused by the staff review comments. (P)
24. Per previous Comment 2, on the site plan provide the owner, GPIN and current zoning for all adjacent parcels. Four (4) additional parcels are required to be shown. These are located across Rivers Bend Boulevard and Meadowville Road. (P)
25. Per previous Comment 5, the setback to the west is a rear yard setback of forty (40) feet. Revise the note, setback line and dimension line. (P)
26. Per previous Comment 4, show the thirty (30) foot side yard setback along the south property line. (P)
27. Revise the stormwater line in the southwest corner of the property so that the line does not run parallel to the buffer per the revised drawing. (P)
28. Revise the location of the sanitary sewer from the 3,000 square foot building so that existing trees are not removed. While plans do not indicate trees in this location, the exact location of trees is not provided. Provide the location and size of any trees within twenty (20) feet of this sewer line. (P)
29. Per previous Comment 10, put the County site plan number (05PR0128) on all sheets. Provide the number on Sheets C11, L1 and L2. (P)
30. As a reminder, a lighting plan and cutsheets are required. (P)
31. As a reminder, an irrigation/hose bib plan is required. (P)
32. As a reminder, architectural elevations are required. (P)
33. Provide screening for all mechanical units. (P)
34. The fence along the west buffer is required for the entire length of the buffer. Revise the plan to provide the fence. (P)

35. The adjacent property owner has requested that every second Leyland Cypress be off-set by about eight (8) feet to the east. This request is consistent with the requirements of the proffered condition requiring the Leyland Cypress, however, the revision is not a requirement. (P)
36. Provide at least one (1) additional Leyland Cypress to fill the gap at the sixteen (16) foot easement; this may be offset. (P)
37. On Sheet I2 in the landscape matrix revise the word 'buffer' to 'setback' for the fifty (50) feet at Rivers Bend Boulevard. (P)
38. Per request of the developer, revise the site plan to show the building closest to the west buffer as "future". (P)
39. Per request of the developer, revise the site plan to show the area of the building closest to the west property line to be open play area with no playground equipment installed. (P)
40. Provide a brick that is compatible with the existing adjacent office building. Remove the reference to Drs. Siegrist office on the architectural elevations. (P)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

Upon conclusion of discussion relative to Case 05PR0128, Katherman & Company (Goddard School – Rivers Bend), Mr. Allen returned to the meeting.

05PW0175: In Midlothian Magisterial District, **STONEMILL ASSOCIATES, INC.** requested Planning Commission approval for a one (1) year extension to a previously granted waiver of development standards to Section 19-514 requiring paving and curbing for parking areas to allow a graveled vehicle storage yard. This project is commonly known as **STONEMILL-GROVE PARK COURT**. This request lies in a General Business (C-5) District on two (2) parcels totaling 4.319 acres fronting approximately 450 feet on the south line of Grove Park Court. The specific area for this proposal lies past the eastern terminus of the road. Tax IDs 740-706-3786 and 740-707-Part of 2815 (Sheet 6).

Ms. Kristin Keatley, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission found Case 05PW0175, Stonemill Associates, Inc. (Stonemill - Grove Park Court) substantially complied with the five (5) factors of Section 19-19 of the County Code and resolved to recommend approval for a one (1) year extension of a previously granted development standards waiver to Section 19-514 of the Zoning Ordinance requiring paving and curbing for parking areas to allow a graveled vehicle storage yard, subject to the following conditions:

CONDITIONS

1. The waiver shall be for the requested use only and in the location shown on the plan.
2. The waiver shall be temporary, lasting one (1) year only.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

05PW0176: In Bermuda Magisterial District, **VERIZON VIRGINIA, INC.** requested Planning Commission approval for a waiver of development standards for three (3) years for the following Zoning Ordinance requirements: Section 19-570(a) requiring architectural compatibility within a project to allow the placement of a temporary trailer in the parking lot adjacent to the existing facility; and Section 19-514(d) requiring the paving of parking areas to allow the installation of sixteen (16) temporary gravel parking spaces to replace spaces occupied by the temporary trailer. This project is commonly known as **VERIZON-WEIR ROAD**. This request lies in an Agricultural (A) District on a 5.39 acre parcel lying at the southwest corner of the intersection of Weir Road and Briggs Road. Tax ID 800-652-0053 (Sheet 26).

Mr. Dudley Parrish, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission found Case 05PW0176, Verizon Virginia, Inc. (Verizon - Weir Road) substantially complied with the five (5) factors of Section 19-19 of the County Code and resolved to recommend approval for three (3) years of development standards waivers to Sections 19-570(a) and 19-514(d), respectively, of the Zoning Ordinance requiring architectural compatibility within a project to allow the placement of a temporary trailer in the parking lot adjacent to the existing facility and requiring the paving of parking areas to allow the installation of sixteen (16) gravel spaces to replace spaces occupied by the temporary trailer, subject to the following conditions:

CONDITIONS

1. The conditions of the previous waiver (01PW0251) shall remain in effect for this waiver.

NOTE: This includes maintaining the six (6) foot tall board fence as shown on the attached plan, and replacing any of the trees and shrubs that were planted along Weir Road following the Plan entitled "Service Operations Center – Phase I Site Improvements" by Resource International, dated 7-22-97.

2. These waivers are approved for a period of three (3) years from the date of Planning Commission approval.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

◆ **CASES WHERE THE APPLICANT DID NOT ACCEPT THE RECOMMENDATION AND/OR THERE WAS PUBLIC OPPOSITION OR CONCERN.**

05PR0188: In Clover Hill Magisterial District, **DEVELOPMENT STRATEGIES** requested Planning Commission approval to locate a drainage retention facility (BMP) within a tree save area, in accordance with Condition 9 of Case 00SN0129. This project is commonly known as **TOWER MEDICAL OFFICE**. This request lies in a Corporate Office (O-2) District on a 2.83 acre parcel fronting approximately 250 feet on the north line of Hull Street Road, also fronting approximately 330 feet on Harbour Pointe Parkway. Tax ID 729-674-Part of 6543 (Sheets 15 and 16).

Mr. Lamson presented an overview of the request and staff's recommendation for approval, including modifications to Condition 1, which he distributed to the Commission.

Mr. Gary Gallagher, the applicant's representative, accepted staff's recommendation, including modifications to Condition 1.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission resolved that approval to locate a drainage facility (BMP) within a tree save area, in accordance with Condition 9 of Case 00SN0129 for Case 05PR0188, Development Strategies (Tower Medical Building) shall be and it thereby was granted, subject to the following conditions:

CONDITIONS

1. In the area impacted by the proposed drainage facility, landscaping shall be installed between Harbour Pointe Parkway and the proposed building site. The quantity and quality of this landscaping shall be in accordance with two times Perimeter landscaping C (option I) as stated in Section 19-518 (g)(4), and shall comply with the landscaping requirements of the Chesterfield County Code, Article VII. Development Standards Manual, Division 1., Development Standards, Subdivision III. Landscaping. Changes to the storm water management facility may be made that result in the preservation of existing trees. Existing plant material may count towards the two (2) times perimeter C landscape requirement as determined in the field by the Planning Department. Trees and/or other approved vegetation shall be provided between the storm water drainage facility and the Harbour Pointe Parkway right of way. This may be accomplished with existing and/or proposed plantings. If there is insufficient space, as determined by the Planning Department, between the storm water drainage facility and Harbour Pointe Parkway right of way to preserve or plant trees, the applicant shall apply for a VDOT license agreement to install landscaping within the right-of-way, adjacent to Harbour Pointe Parkway. Documentation of the VDOT license agreement application and the VDOT decision shall be provided to the Planning Department prior to final site plan approval. (P&CPC)
2. The landscape design for the BMP shall provide a natural appearing visual amenity by staggering tree groupings and installing shrub masses on the side slopes of the BMP. Plant material provided may be part of the required material listed in Condition 1. All plant

species within and around the drainage facility shall be indigenous plants that thrive in areas subject to occasional inundation and variations in soil moisture and with regards to the type of soil in which they will be planted. (P)

3. The BMP safety fence shall be of an ornamental design, equal in appearance to a wrought iron style fence, consisting of vertical metal pickets with a black or dark green finish. The pickets shall extend above the top rail to discourage climbing over. The height of the fence shall be as determined by the Director of Environmental Engineering. (Note: The fence design also requires approval of the Director of Environmental Engineering.) (P)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

05TW0100: In Midlothian Magisterial District, **CYRUS AMAN** requested approval of an alternative standard to Section 17-35 of the Subdivision Ordinance to permit the creation of a lot smaller than the average lot size in the subdivision. This development is commonly known as **MOHAWK SUBDIVISION**. This request lies in a Residential (R-15) District on a 1.35 acre parcel fronting 289.96 feet on the western line of Forest Hill Avenue, also fronting 177.3 feet on the northern line of Mohawk Drive and located in the northeast quadrant of the intersection of these roads. Tax ID 756-719-0129 (Sheet 3).

Mr. Hainley presented an overview of the request and staff's recommendation for approval.

Mr. Richard Bidwell and Mr. Bernard Savage, the applicant's representatives, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission found Case 05TW0100, Cyrus Aman (Mohawk Subdivision) substantially complied with the five (5) factors of Section 17-08 of the County Code and resolved to recommend approval of an alternative standard to Section 17-35(b) of the Subdivision Ordinance to permit the creation of a lot smaller than the average lot size and width in the subdivision.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

05TW0174: In Midlothian Magisterial District, **DONALD T. HODGINS** requested approval of an alternative standard to Section 17-35 of the Subdivision Ordinance to permit the creation of a lot smaller than the average lot size and width in the subdivision. This development is commonly known as **MOHAWK SUBDIVISION**. This request lies in a Residential (R-15) District on a .87 acre parcel fronting 200 feet on the northern line of Choctaw Road, lying 370.78 feet northeast of the intersection of Choctaw Road and Forest Hill Avenue. Tax ID 756-719-1183 (Sheet 3).

Mr. Hainley presented an overview of the request and staff's recommendation for denial.

Mr. Donald Hodgins, the applicant, stated that this subdivision had been developed in 1949; the lots were typically much larger than those in other R-15 areas; that this request would neither compromise the integrity of the R-15 zoning in this subdivision nor impact adjacent properties; and that the house that had been moved to this property met the architectural standards of the surrounding dwellings and had been appraised at a much higher value than the other houses in the neighborhood.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Gecker opened the discussion for public comment.

Ms. Robin Austin and Ms. Chris Grantier, residents of Choctaw Road, expressed concerns relative to the potential rental nature of the property; the subsequent impact on the character and value of the area; that other rental properties in this area were not well maintained; and presented photographs of the house in question to the Commission.

Mr. Hodgins stated that the property and the dwelling had a very high appraisal value when compared to others in the area and requested favorable action on his application.

There being no one else to speak, Mr. Gecker closed the public comment.

Mr. Gulley noted the applicant had submitted a similar application in 1995 that was denied by the Planning Commission; however, it appeared the applicant had ignored the decision and developed the property and he was not inclined to support the request.

In response to questions from Mr. Litton, Mr. Hainley indicated even if the request were denied the existing dwelling could be used for storage.

Mr. Gecker concurred with Mr. Gulley and indicated he did not support the request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to deny Case 05TW0174, Donald T. Hodgins (Resubdivision of Lots 1, Mohawk Subdivision, a resubdivision of Lots 3 and 4).

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

WORK SESSION (continued)

H. REVIEW OF LOT SIZE REQUIREMENTS.

Upon conclusion of discussion relative to the Review of Lot Size Requirements, it was the consensus of the Commission that no action was necessary at this time.

Mr. Turner updated the Commission concerning several miscellaneous items, including a request from the Sierra Club and a proposed Code Amendment relative to Offsite Directional Signs.

3:00 P. M. AFTERNOON SESSION (conclusion)

D. FIELD TRIP AND DINNER.

♦ FIELD TRIP SITE SELECTION.

It was the consensus of the Commission to forego their Field Trip.

◆ **DINNER LOCATION.**

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to meet for dinner at John Howlett's Tavern at 5:00 p m.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

E. ADJOURNMENT.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission adjourned at approximately 3:50 p. m., agreeing to meet for dinner at John Howlett's Tavern at 5:00 p. m.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

7:00 P. M. EVENING SESSION

At 7:00 p. m., Mr. Gecker, Chairman, called the Evening Session to order.

A. INVOCATION.

Mr. Wilson presented the invocation.

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.

Mr. Clay led the Pledge of Allegiance to the Flag.

C. REVIEW MEETING PROCEDURES.

Mr. Turner apprised the Commission of the agenda for the next three (3) months, noting the December 13, 2004, agenda was comprised of twelve (12) cases, the January 18, 2005, agenda was comprised of fifteen (15) cases and the regularly scheduled February 2005 agenda was comprised of twelve (12) cases.

D. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

E. DEFERRAL REQUEST BY STAFF - CODE AMENDMENT.

◆ **HOME OCCUPATIONS.**

◆ ◆ ◆

An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended by amending and re-enacting Sections 19-65, 19-66, 19-102, 19-103, 19-107.1, 19-108 and 19-301. This amendment would

improve Ordinance formatting, home occupations are moved from accessory to restricted uses; dance studios, motor vehicle repair, motor vehicle towing, motor vehicle painting or body work, motor vehicle detailing, private clubs and trash collection are prohibited as home occupations; standards are moved from definitions to restricted uses in R, R-TH and R-MF Districts; and restrictions for customers, storage, vehicle parking and residency requirements are added.



Mr. Turner presented an overview of the proposed Code Amendment and staff's recommendation, noting staff was present to address concerns and/or answer any questions the Commission may have.

.No one came forward to speak in favor of, or in opposition to, the proposed Code Amendment.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission deferred public hearing on the proposed Code Amendment relative to home occupations to their December 13, 2004, Planning Commission meeting at 7:00 p. m.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

E. CONSIDERATION OF THE FOLLOWING REQUESTS:

◆ **REQUESTS FOR DEFERRAL BY APPLICANTS.**

04SN0304: In Clover Hill Magisterial District, **OMNIPOINT COMMUNICATIONS CAP OPERATIONS, LLC** requested deferral to December 13, 2004, of consideration for Conditional Use and amendment of zoning district map to permit a communications tower in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51 to 4.0 units per acre or less. This request lies on 1.0 acre fronting approximately twenty-five (25) feet on the north line of South Providence Road across from Poco Drive. Tax ID 755-700-Part of 7767 (Sheet 7).

No one came forward to represent the request.

In response to questions from the Commission, staff noted there was written documentation in the file requesting deferral to the December 13, 2004, Planning Commission meeting.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission resolved to defer Case 04SN0304 to the December 13, 2004, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

05SN0102: In Dale Magisterial District, **FARRISH PROPERTIES, LLC** requested deferral to the regularly scheduled February 2005 meeting of consideration for rezoning and amendment of zoning district map from Agricultural (A) and Light Industrial (I-1) to Light Industrial (I-1). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0 to 2.5 units per acre. This request lies on 22.0 acres fronting approximately 360 feet on the north line of Old Lane approximately 670 feet east of Hopkins Road, fronting approximately 1,800 feet on the west line of the CSX Railroad intersecting with both Route 288 and Old Lane and fronting approximately 575 feet on the south line of Route 288 approximately 540 feet east of Hopkins Road. Tax IDs 786-666-3851 and 786-667-3619 (Sheets 18 and 26).

Mr. Dean Hawkins, the applicant's representative, requested deferral to the regularly scheduled February 2005 Planning Commission public hearing

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission resolved to defer Case 05SN0102 to the regularly scheduled February 2005 Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

05SN0103: In Bermuda Magisterial District, **FARRISH PROPERTIES, LLC** requested deferral to December 13, 2004, of consideration for rezoning and amendment of zoning district map from Agricultural (A) to Light Industrial (I-1) with Conditional Use to permit Community Business (C-3) uses. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial use. This request lies on 4.1 acres fronting approximately 345 feet on the north line of Old Lane, also fronting approximately 215 feet on the west line of Chester Road and located in the northwest quadrant of the intersection of these roads. Tax IDs 786-665-9988 and 787-665-0867 (Sheets 18 and 26).

Mr. Dean Hawkins, the applicant's representative, requested deferral to the December 13, 2004, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to defer Case 05SN0103 to the December 13, 2004, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

04SN0224: In Matoaca Magisterial District, **DOUGLAS R. SOWERS AND SUSAN S. SOWERS** requested deferral to the regularly scheduled February 2005 meeting of consideration for rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63

units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 146 acres fronting approximately 750 feet on the east line of Lacy Farm Road, approximately 270 feet north of Ahern Road. Tax IDs 695-695-3122, 695-697-8107 and 696-695-7571 (Sheet 8).

Mr. Oliver D. "Skitch" Rudy, the applicant's representative, requested deferral to the regularly scheduled February 2005 Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Litton, the Commission resolved to defer Case 04SN0224 to the regularly scheduled February 2005 Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

◆ **REQUESTS FOR DEFERRAL BY INDIVIDUAL COMMISSIONERS.**

05SR0115: In Matoaca Magisterial District, **FREDERICK YAKELEWICZ AND MARIANNE YAKELEWICZ** requested renewal of Conditional Use (Case 02SN0246) and amendment of zoning district map to permit a mobile auto repair and service business. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for 1-5 acre lots suited to R-88 zoning use. This request lies in an Agricultural (A) District on 4.5 acres fronting approximately 495 feet on the north line of Lakeview Avenue, approximately 700 feet east of Branders Bridge Road. Tax ID 794-623-Part of 5456 (Sheet 41).

Mr. Bass stated he wished to defer Case 05SR0115 to allow the applicants to continue working with staff and him to obtain site plan approvals and related permits for the existing use.

Mr. and Mrs. Frank Yakelewicz, the applicants, stated they were agreeable to Mr. Bass' deferral of the request.

There was no opposition to the deferral.

The following motion was made at Mr. Bass' request.

On motion of Mr. Bass, seconded by Mr. Litton, the Commission, on their own motion, resolved to defer Case 05SR0115 to the regularly scheduled February 2005 Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

04SN0306: In Dale Magisterial District, **MIDLOTHIAN ENTERPRISES, INC.** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-88) with Conditional Use Planned Development to permit exceptions to setback requirements. Residential use of up to 0.50 unit per acre is permitted in a Residential (R-88) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies on 61.4 acres lying approximately

960 feet southeast of the terminus of Waterfowl Flyway, also lying approximately 860 feet off the north line of Nash Road approximately 475 feet east of Eastfair Drive. Tax ID 762-655-7397 (Sheet 25).

Mr. Litton stated he wished to defer Case 04SN0306 to the December 13, 2004, Planning Commission public hearing.

Mr. Oliver D. "Skitch" Rudy, the applicant's representative, agreed to Mr. Litton's deferral of the request to the December 13, 2004, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at Mr. Litton's request.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission, on their own motion, resolved to defer Case 04SN0306 to the December 13, 2004, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

◆ **REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT.**

04SN0269: In Clover Hill Magisterial District, **STAR LLC** requested rezoning and amendment of zoning district map from Agricultural (A) and Residential (R-7) to Residential (R-12) and (R-15). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District and up to 2.9 units per acre is permitted in a Residential (R-15) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0 - 2.5 dwelling units per acre. This request lies on 80.5 acres fronting approximately 1,880 feet on the east line of Claypoint Road across from Misty Spring Drive, also fronting approximately 210 feet on the west line of Alberta Road approximately 295 feet south of Carol Anne Road and at the southern terminus of Parrish Creek Lane. Tax IDs 742-675-9499, 743-675-1820 and 744-676-3373 (Sheet 16).

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 04SN0269 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Public water shall be used. (U)
2. Public wastewater shall be used. In the event that gravity sewer cannot be achieved on a portion of this property, septic systems shall be permitted and shall comply with Ordinance standards for residential lots with septic systems. The maximum number of septic lots shall not exceed twelve (12) lots. (U&H)

3. The applicant, subdivider, or assignee(s) shall pay the following, for infrastructure improvements within the service district for the property, to the county of Chesterfield prior to the issuance of building permit:
 - A. 11,500.00 per dwelling unit, if paid prior to July 1, 2005; or
 - B. The amount approved by the Board of Supervisors not to exceed \$11,500.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift building cost index between July 1, 2004, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005.
 - C. In the event the cash payment is not used for which proffered within 15 years of receipt, the cash shall be returned in full to the payor. (B&M)
4. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
5. All dwelling units shall have a minimum gross floor area of 2000 square feet. (P)
6. All exposed portions of the foundation of each dwelling unit shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer. (P)
7. A maximum of one hundred seventy (170) lots shall be permitted on the property. (P)
8. Direct access from the property to Claypoint Road shall be limited to one (1) public road. The exact location of this access shall be approved by the Transportation Department. (T)
9. In conjunction with recordation of the initial subdivision plat, forty five (45) feet of right-of-way on the east side of Claypoint Road, measured from the centerline of that part of Claypoint Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
10. To provide an adequate roadway system at the time of complete development, the owner/developer shall be responsible for the following:
 - a. Construction of additional pavement along Claypoint Road at the approved access to provide a right and left turn lanes, if warranted, based on Transportation Department standards;
 - b. Widening/improving the east side of Claypoint Road to an eleven (11) foot wide travel lane, measured from the existing centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, and overlaying the full width of the road with one and one half (1.5) inch of

compacted bituminous asphalt concrete, with modifications approved by the Transportation Department, for the entire property frontage; and

- c. Dedication to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the improvements identified above. (T)
- 11. Prior to any construction plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 10 above, shall be submitted to and approved by the Transportation Department. (T)
- 12. There shall be no street connection from Claypoint Road, cross the creek, to Alberta Road. (T)
- 13. The subdivision development(s) located on the property shall not incorporate the names "Parrish Branch", "Stanwick" or "Swift Creek Crossing" in their recorded subdivision name(s). (P)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

04SN0319: In Clover Hill Magisterial District, **R. C. WHEELER CONSTRUCTION** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51 to 4.0 units per acre. This request lies on 6.8 acres fronting approximately 260 feet on the west line of South Providence Road, approximately 790 feet north of Scottingham Drive. Tax IDs 758-702-2534 and 7625 (Sheet 7).

Mr. Joe Faudale, the applicant's representative, accepted staff's recommendation, including the Addendum.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 04SN0319 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

- 1. The public water and wastewater system shall be used. (U)
- 2. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of building permit for infrastructure improvements within the service district for the property:
 - A. \$11,500.00 per dwelling unit, if paid prior to July 1, 2005; or
 - B. The amount approved by the Board of Supervisors not to exceed \$11,500.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift building cost index between July 1, 2004, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005.

- C. In the event the cash payment is not used for which proffered within fifteen (15) years of receipt, the cash shall be returned in full to the payor. (B&M)
3. Direct access from the property to Providence Road shall be limited to the existing driveway that serves the property identified as Tax ID 758-702-7625 and one (1) public road. The exact location of this public road shall be determined by the Transportation Department. (T)
 4. In conjunction with recordation of the initial subdivision plat, forty five (45) feet of right-of-way along the western line of Providence Road, measured from the centerline of that part of Providence Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
 5. Prior to the issuance of an occupancy permit, the developer shall be responsible for the following improvements: 1) construction of additional pavement along South Providence Road at the approved access point to provide a right turn lane, and 2) widening/improving the west side of South Providence Road to an eleven (11) foot wide travel lane, measured from the centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, with any modifications approved by the Transportation Department, for the entire property frontage. The developer shall dedicate, free and unrestricted, to and for the benefit of Chesterfield County any additional right-of-way (or easements) required for these improvements. (T)
 6. Development shall be limited to a maximum of 13 lots. (P)
 7. The overall average lot size shall be a minimum of 16,000 square feet. (P)
 8. Dwelling units shall have a minimum gross floor area of 1,800 square feet. (P&BI)
 9. The tentative subdivision plan shall be considered by the Planning Commission for the purpose of evaluating the location of roads and the mitigation of the impact of such roads on the adjacent properties to the north. (P)
 10. All exposed portions of the foundation, and exposed piers supporting front porches shall be faced with brick veneer. (P)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

04SN0329: In Bermuda Magisterial District, **KATHRYN C. FRATARCANGELO, ET AL** requested rezoning and amendment of zoning district map from Community Business (C-3) to Agricultural (A) with Conditional Use to permit Community Business (C-3) uses, plus display sheds, garages, carports and house sales, including "shell" houses sales, plus Conditional Use Planned Development to permit exceptions to Ordinance standards. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use. This request lies on 0.6 acre fronting approximately ninety (90) feet on the east line of Jefferson Davis Highway, approximately 280 feet north of Melba Street. Tax ID 795-664-8967 (Sheet 26).

Mr. Dean Hawkins, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 04SN0329 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Prior to any site plan approval, sixty (60) feet of right-of-way on the east side of U.S. Routes 1 & 301, as measured from the centerline of that part of U.S. Route 1 & 301 immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the County of Chesterfield. (T)
2. Uses permitted shall be limited to those or with restrictions in the Community Business (C-3) District, plus the following additional use:

Display sheds, garages, carport and house sales including "shell" houses sales, subject to the following restrictions:
 - a. This use shall be granted for a period not to exceed ten (10) years from the date of approval, shall be limited to use by Melvin Fisher only, and shall not otherwise be transferable nor run with the land.
 - b. No goods shall be produced on the premises for retail sale.
 - c. All display areas, buildings, drives and parking areas shall have a minimum twenty-five (25) foot setback from the ultimate right-of-way from U.S. Routes 1 & 301. Within this setback, landscaping shall be provided in accordance with Zoning Ordinance requirements of Perimeter Landscaping B.
 - d. Compliance with Proffered Condition 3.
 - e. The only improvements permitted shall be the placement of display sheds, garages, carports and shall houses for sale, driveways, parking areas and required landscaping as stated herein; provided that the display sheds, garages, carports and shall houses are self supporting or self contained units without permanent foundations and are capable of easily being moved from the site. (P)
3. Those uses permitted by this Conditional Use shall be developed in accordance with the Zoning Ordinance requirements for the Jefferson Davis Highway Corridor. (P)
4. Direct access from the property to U.S. Route 1 & 301 shall be limited to one (1) entrance/exit. The exact location of this entrance/exit. The exact location of this entrance/exit shall be determined by the Transportation Department. Prior to the construction of this entrance/exit, the existing southernmost entrance/exit on the adjacent

property to the north shall be closed, as determined by the Transportation Department. Prior to any site plan approval, an access easement, acceptable to the Transportation Department, must be recorded from the approved entrance/exit on U.S. Routes 1 & 301 to the adjacent property to the south. (Tax ID 795-644-8959). (T)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

05SN0104: In Matoaca Magisterial District, **COMMERCIAL LAND DEVELOPMENT** requested rezoning and amendment of zoning district map from Agricultural (A) and General Business (C-5) to Community Business (C-3) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies on 1.5 acres fronting approximately 370 feet on the north line of Hull Street Road approximately 910 feet east of Cosby Road. Tax IDs 718-671-3035 and 718-671-4837 (Sheet 15).

Mr. Jim Theobald, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 05SN0104, subject to the following condition and acceptance of the following proffered conditions:

CONDITION

The Textual Statement dated July 7, 2004 shall be considered the Master Plan.

PROFFERED CONDITIONS

The property owners and applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the property under consideration will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the owners and applicant. In the event this request is denied or approved with conditions not agreed to by the owners and applicant, the proffers shall immediately be null and void and of no further force or effect.

1. No Loading. There shall be no loading areas between any buildings and the northern property line. (P)
2. Public Utility. The public wastewater system shall be utilized. (U)
3. Transportation.
 - a. Prior to any site plan approval, one hundred (100) feet of right of way on the north side of Route 360 measured from the centerline of that part of the roadway immediately adjacent to the property shall be dedicated free and unrestricted to and for the benefit of Chesterfield County.

- b. Direct access from the Property to Route 360 shall be limited to one entrance/exit. This entrance/exit shall be designed to permit right turns only. The exact location of this entrance/exit shall be determined by the Transportation Department.
- c. To provide an adequate roadway system, the owner/developer shall be responsible for the following:
 - i. construction of an additional lane of pavement along Route 360 for the entire property frontage;
 - ii. construction of additional pavement along Route 360 to provide a separate right turn lane at the approved entrance/exit, based on Transportation Department standards; and
 - iii. dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above.
- d. Prior to any site plan approval, a phasing plan for the required road improvements, as identified in condition 3.c., shall be submitted to and approved by the Transportation Department. (T)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

05SN0110: In Matoaca Magisterial District, **GLENN M. HILL** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots suited for R-88 zoning. This request lies on 10.7 acres lying approximately 245 feet off the terminus of Point Landing Court, approximately 370 feet northeast of Hill Creek Drive. Tax ID 740-671-1072 (Sheet 16).

Mr. Delmonte Lewis, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 05SN0110 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

- 1. Public water and wastewater systems shall be used. (U)
- 2. With the exception of timbering which has been approved by the Virginia State Department of Forestry for the purpose of removing dead diseased trees, there shall be no timbering on the Property until a Land Disturbance Permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
- 3. The applicant, subdivider, or assignee(s) shall pay the following, for infrastructure improvements within the service district for the property, to the County of Chesterfield prior to the issuance of building permit:

- A. \$11,500 per dwelling unit, if paid prior to July 1, 2005; or
 - B. The amount approved by the Board of Supervisors not to exceed \$11,500 per dwelling unit adjusted upward by an increase in the Marshall and Swift building cost index between July 1, 2004 and July 1, of the fiscal year in which the payment is made if paid after June 30, 2005.
 - C. In the event the cash payment is not used for which proffered within 15 years of receipt, the cash shall be returned in full to the payor. (B&M)
- 4. No more than 21 residential lots shall be developed on the subject property. (P)
 - 5. All dwelling units shall have a minimum gross floor area of 1,700 square feet except for dwelling units with more than one story which shall have a minimum gross floor area of 2,000 square feet. (P)
 - 6. Minimum lot area shall be 15,000 square feet, the average lot size shall not be less than 17,855 square feet. (P)
 - 7. The developer shall dedicate to and for the benefit of Chesterfield County, free and unrestricted, a thirty (30) foot wide ingress/egress easement along the length of Swift Creek from the eastern to western parcel boundaries. This easement to be located within the limits of the R.P.A of Swift Creek and to be used by the Parks and Recreation Department for the recreational trail. (P&R)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

05SN0114: In Dale Magisterial District, **HULL STREET ROAD LLC** requested amendment to zoning (Case 02SN0281) and amendment of zoning district map to permit warehouse use within 200 feet of Hull Street Road. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general commercial use. This request lies in a General Business (C-5) District on 13.4 acres and is known as 10705 Hull Street Road. Tax ID 746-684-6733 (Sheet 10).

Mr. Steve Gray, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 05SN0114 and acceptance of the following proffered condition:

PROFFERED CONDITION

Within 200 feet of the ultimate right-of-way of Hull Street Road, uses permitted shall be restricted to those permitted by right or with restrictions in the Community Business (C-3) District, except that, in addition, warehouse use limited to self-storage facilities shall be permitted provided that: the self-

storage facilities shall be located within the same structure of Community Business (C-3) uses permitted herein; self-storage facilities shall not front on or be oriented towards Hull Street Road; and, loading areas shall face generally to the south.

(NOTE: This Condition supercedes Proffered Condition 1 of Case 02SN0281. All other conditions of Case 02SN0281 remain in force and effect.)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

◆ **CODE AMENDMENTS.**

◆ **SUBDIVISION ORDINANCE RELATIVE TO ISSUANCE OF BUILDING PERMITS AND PAVING OF STREETS AND MINIMUM PAVEMENT DESIGN.**

◆ ◆ ◆

An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Sections 17-73 and 17-76 of the Subdivision Ordinance. These amendments will increase the number of building permits which may be issued prior to the paving of streets and prior to their acceptance into the State System for maintenance. It will also allow the minimum pavement design for all streets, alleys and accessways within subdivisions to be designed with base stone, base asphalt and surface asphalt, as approved by the Director of Environmental Engineering.

◆ ◆ ◆

Mr. McElfish presented an overview of the proposed Code Amendment and staff's recommendation.

Mr. Gecker opened the discussion for public comment.

Mr. David Root, representing the Richmond Home Builders Association (HBAR), voiced support for the proposal but requested that consideration be given to modifying the recommended ninety (90) percent issuance of building permits prior to State acceptance to 100% because the County maintained a surety bond to guarantee final construction and acceptance into the State Secondary Road System.

Mr. Mark Singer, representing Richmond Area Municipal Contractors Association (RAMCA), voiced support for the proposal and asked that the Commission forward a recommendation for approval as presented to the Board of Supervisors for their consideration.

There being no one else to speak, Mr. Gecker closed the public comment.

Mr. Gulley made a motion to recommend approval of an Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Sections 17-73 and 17-76 of the Subdivision Ordinance.

Mr. Litton concurred with Mr. Root's comments, indicating he supported modifying the proposal to require 100% issuance of buildings permits versus the recommended ninety (90) percent.

Mr. Bass requested clarification of the process.

Mr. Wilson stated he felt the proposal needed further discussion.

Mr. Gulley stated he was troubled by Mr. Root's comments and expressed concerns relative to the potential impact of the modification to both the developer and/or the County.

Mr. Gecker stated he was inclined to support the proposed amendment but did not fully understand the Home Builders position or the impact of the issuance of building permits at 100% versus the recommended ninety (90) percent and would like to explore further ramifications of the matter.

Mr. Gulley withdrew his motion.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to defer action on the proposed Code Amendment relative to the issuance of building permits and paving of streets and minimum pavement design to the December 13, 2004, Planning Commission meeting at 12:00 Noon.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

◆ **REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION PRESENT.**

04SN0314: In Bermuda Magisterial District, **TASCON GROUP, INC.** requested rezoning and amendment of zoning district map from Neighborhood Business (C-2), Corporate Office (O-2) and Residential Townhouse (R-TH) to Multifamily Residential (R-MF) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 10 units per acre is permitted in a Multifamily Residential (R-MF) District. The Comprehensive Plan suggests the property is appropriate for mixed use: neighborhood office and single family residential use. This request lies on 51.8 acres fronting approximately 2,500 feet on the north line of Iron Bridge Road, also fronting approximately 1,200 feet on the east line of Chalkley Road and located in the northeast quadrant of the intersection of these roads. Tax IDs 779-654-Part of 8243; 780-653-Part of 6032 and 7185; 780-654-Part of 0614 and 8207; 781-652-5796; 781-653-0770, 7245 and 9416; and 782-653-0241 (Sheet 26).

Ms. Peterson presented an overview of the request and staff's recommendation, to include acceptance of the amended Textual Statement and Proffered Condition 2 as well as the applicant's addressing the impact of the development on capital facilities; setbacks for structures from commercial tracts; and the project focal point.

Mr. Andy Scherzer, the applicant's representative, did not accept staff's recommendation, noting the applicant had adequately addressed concerns regarding the Chester Fishing Club water quality, fencing, focal points, density credits, and noted the applicant had submitted revisions eliminating the requested setback requirement from Route 10. He further referenced amenities and/or improvements that would be provided, as outlined in the Proffered Conditions, and indicated the proposed development would be one of quality and better than other similar developments that could have occurred in the past.

Mr. Gecker opened the discussion for public comment.

Mr. Gary Ellenberger, representing the Chester Fishing Club, voiced support for the request.

There being no one else to speak, Mr. Gecker closed the public comment.

Messrs. Gecker and Gulley expressed concerns that the Board of Supervisors' Cash Proffer Policy did not provide parameters for addressing density credits.

There was discussion regarding the possibility of deferral to allow the Board to provide further clarification as to what circumstances would warrant applying density credits to existing zoned properties.

Mr. Gecker questioned what proffers had been offered to insure a better quality of development than what the existing zoning would allow.

Mr. Wilson indicated that, in his opinion, the proposal represented a better quality of development than what the existing zoning insured, specifically referencing sidewalks, dwelling size, landscaping, fencing, lighting, buffers, architectural treatment and restrictive covenants.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 04SN0314 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Zoning Plan. Tracts shall be located as generally depicted on the Zoning Plan, dated June 3, 2004 and revised October 16, 2004 and prepared by Balzer & Associates, Inc., but the location and size of Tracts A, B and C may be modified provided the tracts generally maintain their relationship with each other and any adjacent properties. A plan for any such Tract adjustment shall be submitted to the Planning Department for review and approval. Such plan shall be subject to appeal in accordance with provisions of the Zoning Ordinance for Site Plan appeals. (P)
2. Master Plan. The Textual Statement dated June 3, 2004 and revised on November 16, 2004 shall be considered "The Master Plan". (P)
3. Utilities. Public water and wastewater shall be used. (U)
4. Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
5. Drainage and Water Quality.
 - a. A water quality plan, including an assessment of baseline conditions, for protection and monitoring of the water quality of the Chester Fishing Club pond and agreeable to the Chester Fishing Club, that is approved by the Office of Water Quality shall be submitted to the Planning Commission for review and approval prior to or in conjunction with any site plan and/or subdivision plan approval. The

intent of the plan is to preserve the existing water quality of the Chester Fishing Club pond. (OWQ)

- b. If this development causes degradation of water quality in the Chester Fishing Club pond, the developers shall provide the necessary remedy to the extent caused by development. The proposed remedy shall be reviewed and approved by the Office of Water Quality.
- c. The lake in the Ironbridge development was designed using runoff from this project site based on residential development. An analysis must be made of the impact that increased runoff from this project will have on the Ironbridge pond flood levels. If detention is utilized, the maximum permissible release rate for the proposed detention basin shall be such that the capacity of the existing facilities downstream shall not be exceeded and the recorded 100-year flood plain/backwater shall not be increased.
- d. The existing on-site 5± acre lake must be refurbished to provide a principal spillway capable of conveying the post-development 10-year runoff and an emergency spillway which will pass the 100-year storm or to that performance criteria, approved by the Engineering Department which will contribute to the desired performance of the Chester Fishing Club lake spillway system. The work must be completed before any occupancy permit will be issued.
- e. The existing lake owned by Chester Fishing Club must be analyzed for any adverse hydrological impact as a result of the new development. The cost of all hydraulic improvements shown to be necessary by the analysis shall be borne by the applicant. The improvements shall be made in accordance with a plan that schedules improvements to be made at such time to prevent the increasing runoff from exceeding the dam's hydraulic capacity. Any hydraulic improvements shall be designed and certified by a Professional Engineer. (EE)
- f. Prior to the issuance of a land disturbance permit, signs prohibiting use of the Fishing Club Pond by construction workers shall be posted. (EE)

6. Access.

- a. Direct access from the property to Iron Bridge Road (Route 10) shall be limited to one (1) public road. This access shall be limited to right-turns-in and right-turns-out only. The exact location of this access shall be approved by the Transportation Department.
- b. No direct access shall be provided from the property to Chalkley Road. (T)

7. Dedication. Prior to any final site plan approval or in conjunction with recordation of the initial subdivision plat, whichever occurs first, one-hundred (100) feet of right-of-way on the north side of Route 10, and thirty-five (35) feet of right-of-way on the east side of Chalkley

Road, measured from the centerlines of both roadways, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)

8. Public Roads. All roads that accommodate general traffic circulation through the development (the "Public Roads"), as determined by the Transportation Department, shall be designed and constructed to VDOT standards and taken into the State System. (T)
9. Road Improvements. To provide an adequate roadway system at the time of complete development, the owner/developer shall be responsible for the following:
 - a. Construction of an additional lane of pavement along the westbound lanes of Route 10 for the entire property frontage.
 - b. Construction of additional pavement along the westbound lanes of Route 10 at the approved access to provide a separate right turn, based on Transportation Department standards
 - c. Widening/improving the east side of Chalkey Road to an eleven (11) foot wide travel lane, measured from the centerline of Chalkey Road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder and overlaying the full width of the road with one and one half (1.5) inches of compacted bituminous asphalt concrete with modifications approved by the Transportation Department, for the entire property frontage.
 - d. Dedication to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire any "off-site" right-of-way that is necessary for any improvement described in 9a, the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way as determined by the Transportation Department. (T)
10. Phasing. Prior to any construction plan approval or site plan approval, whichever occurs first, a phasing plan for the required road improvements, as identified in Proffered Condition 9, shall be submitted to and approved by the Transportation Department. (T)
11. Sidewalks. Sidewalks shall be provided generally on both sides of the interior street right of ways and along the property frontage on Route 10. The treatment and location of these sidewalks shall be approved by the Planning and Transportation Departments at the time of site and/or subdivision plan review. (P)
12. Street trees. Street trees shall be planted along each side of the interior roads and common driveways to include entrance roads from public roads into the development. If existing trees are maintained, they may be counted toward this requirement. (P)

13. Landscaping. Landscaping shall be provided around the perimeter of all buildings, between buildings and driveways, within medians, and within common areas not occupied by recreational facilities or other structures. Landscaping shall comply with the requirements of the Zoning Ordinance Sections 19-516 through 19-518. Landscaping shall be designed to: minimize the predominance of building mass and paved areas; define private spaces; and enhance the residential character of the development. The Planning Department, at the time of site and/or subdivision plan review, shall approve the landscaping plan with respect to the exact numbers, spacing, arrangement and species of plantings.
14. Fencing.
- a. A decorative "wrought iron-style" fence shall be provided along the boundary of Iron Bridge Road. Decorative brick columns shall be placed at intervals along the fencing on the Iron Bridge Road frontage of the Property and shall not be spaced farther apart than sixty (60) feet on center.
 - b. A six (6) foot high "wrought iron-style" fence designed to discourage climbing (ie. shall not have a horizontal top member), or a seven (7) foot high black vinyl coated chain link fence shall be provided within the thirty-five (35) foot buffer adjacent to TAX ID 782-653-3923 as shown on the "Zoning Plan" and shall be set back zero (0) to five (5) feet from the property line. This fence shall be installed in phases as soon as practical, and shall be installed adjacent to any residences prior to the occupancy of such residences on any tract adjacent to the Chester Fishing Club pond.
 - c. A minimum three (3) foot high fence, wall, or hedge (at mature growth shall be a minimum three (3) feet high) shall be provided for the remaining perimeter property lines, with the exception of lake frontage along Tax ID 780-654-3863. (P)
15. Lighting. Light poles shall have a maximum height of fifteen (15) feet and shall be located generally along the interior roads as approved by the Planning Department. (P)
16. Focal Point. A minimum of 0.50 acres shall be provided in the clubhouse area, to provide a "focal point" to Tract A. A second focal point containing a minimum of 0.50 acres shall be provided at the entrance to Tract B, adjacent to the 5± acre lake. Part of the area shall be "hardscaped" and have other amenities that accommodate and facilitate gatherings. The exact design and location shall be approved by the Planning Department at the time of site and/or subdivision plan review. The clubhouse building and its related recreational amenities shall be developed concurrent with the first phase of development. (P)
17. Restriction on Children's Play Facilities: The common area/recreational amenities shall not include playground equipment, play fields or other facilities primarily associated with children's play. (P)

18. Buffering. Buffer locations and sizes shall be as depicted on the accompanying plan entitled "Zoning Plan" and dated June 3, 2004 and revised October 18, 2004, by Balzer& Associates. The buffers shall be planted in accordance with the requirements of the Zoning Ordinance Section 19-520 through 19-522. The thirty-five (35) foot buffer adjacent to TAX ID 782-653-3923 shall be planted at two (2) times Landscape requirement 'C'. Existing vegetation can be counted towards the requirements, and at a minimum, additional medium evergreen shrubs shall be provided at a height of three (3) to four (4) feet and planted at an average rate of one per eight (8) foot. (P)
19. Notification. The developer shall be responsible for notifying by registered, certified or first class mail the last known representative on file with the Chesterfield County Planning Department of Buxton Subdivision as well as the Chester Community Association and the Chester Fishing Club of the submission of any site plan or subdivision plat for the development. Such notification shall occur as soon as practical, but in no event less than twenty-one (21) days prior to the approval of such plans. The developer shall provide the Planning Department with evidence that such notice was sent. (P)
20. Dwelling Size. All single family dwelling units located on lots having less than 12,000 square feet shall have a minimum gross floor area of 1,500 square feet. All single family dwelling units located on lots having 12,000 square feet or greater shall have a minimum gross floor area of 2,000 square feet. (P)
21. Garage Doors. Visual impacts of garage doors on single family dwellings facing the street shall be minimized through the use of architectural fenestration and/or orientation. (P)
22. Driveways. All private driveways shall be hardscaped. (P)
23. Foundation Treatment. All exposed portions of the foundation, with the exception of concrete slab, and exposed piers supporting front porches of each new dwelling unit shall be faced with brick or stone veneer or exterior insulation and finishing systems (EIFS) materials. (P)
24. Building Materials. Dwelling units shall be constructed with materials such as brick or stone veneer; composition, hardiplank, or vinyl siding; and 25-year asphalt shingles. (P)
25. Virginia Condominium Act: All multifamily dwelling units on the Property shall be condominiums as defined and regulated by the Virginia Condominium Act, and all common areas and improvements therein shall be maintained by a condominium association. (P)
26. Restrictive Covenants. The following provisions shall be contained in restrictive covenants, which shall be recorded for the Single Family Dwelling units:
 - a) No unit shall be used except for residential purposes.
 - b) No accessory buildings shall be erected, placed, or permitted on the premise.
 - c) No noxious or offensive activity shall be carried on upon by any resident, nor shall anything be done thereon which may be, or become, an annoyance or nuisance to the neighborhood.

- d) No structure of a temporary character, trailer, tent, shack, garage, or other outbuilding shall be used at any time as a residence either temporarily or permanently, and to this end, any building to be constructed in this development shall be completed within one year from the issue date of its building permit.
- e) No sign of any kind shall be displayed to the public view on any yard except one professional sign of not more than three square feet and one sign of not more than five square feet advertising the property for sale, and one sign of not more than five square feet by a builder to advertise the property during the construction and sales period.
- f) No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lot except that dogs, cats, or other household pets may be kept therein if they are not kept, bred, or maintained for any commercial purposes.
- g) No part of this development shall be used or maintained as a dumping ground for rubbish, trash, garbage, or other waste. No rubbish, trash, garbage, and other waste shall be kept by any unit except in sanitary containers, and all equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition. No central dumpsters shall be provided.
- h) Each and every covenant and condition herein imposed may be enforced by the undersigned or by the owner of any unit by appropriate proceedings at law or in equity against any party violating or attempting or threatening to violate the same to prevent or rectify such violation and to recover damages therefore.
- i) The covenants and conditions herein contained shall run with the land and shall be binding upon the subsequent owner or owners of all or any unit and each and every portion of the land shown on the plat and all parties claiming through or under such owner or owners.
- j) All dwelling units shall have washer and dryer hookups.
- k) All units shall have an attached garage containing a minimum of 200 gross square feet. (P)

27. Impacts on Capital Facilities. The applicant, subdivider, or assignee(s) shall pay the following, for infrastructure improvements within the service district for the property, for any dwelling units in excess of 106 dwelling units, to the county of Chesterfield prior to the issuance of building permit:

- a. \$6,542.00 per dwelling unit, if paid prior to July 1, 2005. At the time of payment, the \$6,542.00 will be allocated pro-rata among the facility costs as follows: \$786.00 for parks and recreation, \$402.00 for library facilities, \$4,380.00 for roads, \$551.00 for schools, and \$423.00 for fire stations; or
- b. The amount approved by the Board of Supervisors not to exceed \$6,542.00 per dwelling unit pro-rated as set forth above and adjusted upward by any increase in the Marshall and Swift building cost index between July 1, 2004, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005.
- c. In the event the cash payment is not used for which proffered within 15 years of receipt, the cash shall be returned in full to the payor.

- d. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees, in a manner determined by the County. (B&M)

AYES: Messrs. Litton, Wilson and Bass.

NAYS: Messrs. Gecker and Gulley.

04SN0326: In Bermuda Magisterial District, **RIVER FOREST DEVELOPMENT COMPANY, LLC** requested rezoning and amendment of zoning district map from Multifamily Residential (R-MF) and Light Industrial (I-1) to Multifamily Residential (R-MF) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 10 units per acre is permitted in a Multifamily Residential (R-MF) District. The Comprehensive Plan suggests the property is appropriate for community mixed use uses. This request lies on 23.8 acres fronting approximately 1,600 feet on the north line of Carver Heights Drive, approximately 200 feet west of West Booker Boulevard. Tax IDs 778-651-6195, 779-651-4095 and 779-652-8201 (Sheet 26).

Ms. Peterson presented an overview of the request and staff's recommendation for approval, including the amended Textual Statement and Proffered Conditions 1, 2.a and 4.a, as outlined in the Addendum, and subject to the applicant sully addressing the impact of the development on capital facilities.

Mr. Ed Kidd, the applicant's representative, did not accept staff's recommendation, noting the applicant had met with the community and resolved their concerns, including concerns relative to minimum square footage of the dwellings. He also noted that concerns expressed by Mr. C. F. Currin, an adjacent property owner, at the October 19, 2004, Planning Commission meeting had been resolved.

Mr. Gecker opened the discussion for public comment.

Mr. Craig Follo, a resident of Foxwood Road and representative for the Stoney Glenn Community Association, voiced support for the request, noting the applicant had addressed and resolved the community's concerns.

There being no one else to speak, Mr. Gecker closed the public comment.

Mr. Wilson stated he felt deferral of the request from the October meeting had been beneficial to all the concerned parties, that the case had been improved by the revisions and a recommendation for approval was appropriate.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 04SN0326 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Textual Statement. In conjunction with the approval of this request, the Textual Statement dated June 15, 2004, last revised November 15, 2004 shall be approved. (P)

2. Dwelling Size and Building Materials.
 - a. Each dwelling unit constructed on the Property shall have a minimum gross floor area of one thousand three hundred fifty (1,350) square feet. (P)
 - b. Not less than sixty (60) percent of the exposed portions of the exterior of each building constructed on the Property shall be constructed of brick veneer with the remainder of such exposed exterior portions being constructed of vinyl siding or cement board siding or other materials approved by the Planning Commission in connection with site plan review. Roofs shall be of asphalt shingles or other materials with a minimum life of 20 years. (P)
3. Density. A maximum of ninety six (96) dwelling units shall be developed on the Property. (P)
4. Focal Point/Recreation Areas.
 - a. Open space/recreation areas shall be provided on each of the east and west sides of South Chalkley Road to provide focal points as one enters each entrance to the Property from South Chalkley Road and to provide passive recreation areas. Such areas shall be "hardscaped" and have benches and other amenities that accommodate and facilitate gatherings and one of such areas will include a clubhouse building with a minimum gross floor area of two thousand (2,000) square feet. The two areas together shall contain a total of not less than one and one half (1.5) acres, the area including the clubhouse shall contain a not less than one (1) acre and the other area shall contain not less than one half (.5) acre. The exact design and location of such areas shall be approved by the Planning Department at the time of site plan review. Any clubhouse building shall be developed concurrent with the first phase of development. (P)
5. Sidewalks. Sidewalks shall be provided on both sides of all rights of way for Public Roads (as defined herein). To the extent allowed by VDOT, such sidewalks may be located within the rights of way for the Public Roads (as defined herein). In addition, a system of walking trails or pathways shall be provided within the Property which trails or pathways shall have a minimum width of four (4) feet and shall be hardscaped with asphalt. (P)
6. Fence and Buffer.
 - a. A decorative fence shall be constructed along (i) the boundaries of the Property adjacent to South Chalkley Road (both sides) and (ii) along Branders Creek Drive for a distance of approximately two hundred forty (240) feet from South Chalkley Road. The exact design shall be approved by the Planning Department at the time of site plan review; provided, however, provision of a three (3) rail vinyl fence shall be deemed to satisfy this proffer.
 - b. A thirty (30) foot buffer shall be provided along the northern property line of the portion of the Property located east of Chalkley Road. This buffer shall comply with the requirements of the Ordinance for Sections 19-520 through 522 except

that plant density shall be increased to one and one-half times that required for Perimeter Landscape C. A solid wood or vinyl privacy fence, a minimum of six (6) feet in height, shall be incorporated into this landscaped buffer along this northern property boundary. (P)

7. Street Trees. Street trees shall be installed along each side of the Public Roads (as defined herein) and along each side of common driveways within the Property. If existing trees are maintained, they may be counted toward this requirement. The exact location, spacing, size and species of plantings shall be approved by the Planning Department prior to final site plan approval. (P)
8. Landscaping. Landscaping shall be provided around the perimeter of all buildings, between buildings and driveways, within medians and within common areas not occupied by recreational facilities or other structures. Landscaping shall comply with the requirements of the Zoning Ordinance Sections 19-516 through 19-518(f). Landscaping shall be designed to (i) minimize the predominance of building mass and paved areas, (ii) define private spaces and (iii) enhance the residential character of the development. The Planning Department, at the time of site plan review, shall approve the landscaping plan with respect to the exact numbers, spacing, arrangement and species of plantings. (P)
9. Driveways. All private driveways shall be hardscaped with asphalt, concrete or aggregate. (P)
10. Garages. At least sixty (60) percent of the door openings of garages within the Property shall be oriented in a manner so as not to be directly visible from the Public Roads (as defined herein). (P)
11. Utilities. The public water and wastewater systems shall be used. (U)
12. Concrete Curb and Gutter. Concrete curb and gutter shall be installed within the Public Roads (as herein defined). (EE)
13. Timbering. Except for Timbering approved by the Virginia Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department. (EE)
14. Drainage. No impervious areas from buildings or paved areas used for vehicular traffic shall drain across the eastern boundary of the property adjacent to the Carver Home Sites subdivision. (EE)
15. Virginia Condominium Act. All dwelling units on the Property shall be condominiums as defined and regulated by the Virginia Condominium Act, and all common areas and improvements therein shall be maintained by a condominium association. (P)
16. Cash Proffer. The applicant, subdivider, or assignee(s) shall pay the amounts set forth below to the County of Chesterfield, prior to the time of issuance of a building permit for

each new dwelling unit for infrastructure improvements within the service district for the Property:

- A. For all dwellings units initially constructed with more than two (2) bedrooms:
 - 1. \$11,500.00 per dwelling unit, if paid prior to July 1, 2005.
 - 2. Thereafter, such payment shall be the amount approved by the Board of Supervisors not to exceed \$11,500.00 per unit and shall be adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2004 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005.
- B. For all dwelling units initially constructed with two (2) or fewer bedrooms:
 - 1. \$5,991 per dwelling unit, if paid prior to July 1, 2005. At the time of payment, the \$5,991.00 will be allocated pro-rata among the facility costs as calculated annually by the County Budget Department as follows: \$786.00 for parks, \$402.00 for library facilities, \$4,380.00 for roads and \$423.00 for fire stations. Thereafter, such payment shall be the amount approved by the Board of Supervisors not to exceed \$5,991.00 per unit (prorated as set forth above) and shall be adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2004 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005.
- C. Building plans submitted for building permits shall designate the number of bedrooms in each dwelling unit.
- D. If any of the cash proffers are not expended for the purposes designated by the Capital Improvement Program within fifteen (15) years from the date of payment, they shall be returned in full to the payor. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees in a manner as determined by the County. (B & M)

17. Transportation.

- a. Prior to any site plan approval, forty-five (45) feet of right-of-way on the north side of Carver Heights Drive, measured from the centerline of that part of Carver Heights Drive, immediately adjacent to the Property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County.
- b. To provide for an adequate roadway system, the Developer shall be responsible for the following:

1. Construction of two (2) additional lanes of pavement along South Chalkley Road, to VDOT Urban Minor Arterial (50 MPH) standards with modifications approved by the Transportation Department, from its current four (4) lane section to Branders Creek Drive to provide a four (4) lane divided facility.
2. Construction of a two (2) lane road for extension of South Chalkley Road ("South Chalkley Extended"), to VDOT Urban Minor Arterial (50 MPH) standards with modifications approved by the Transportation Department, from Branders Creek Drive to Carver Heights Drive.
3. Relocation of the ditch along the north side of Carver Heights Drive to provide an eight (8) foot wide unpaved shoulder, with modifications approved by the Transportation Department, from South Chalkley Extended, eastward, for the entire property frontage.
4. Construction of additional pavement along South Chalkley Extended at each approved access to provide left and right turn lanes, based on Transportation Department standards.
5. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the road improvements described above.

Prior to any site plan approval, a phasing plan for the required road improvements, as identified above, shall be submitted to and approved by the Transportation Department.

- c. Direct access from the Property to South Chalkley Road shall be limited to one (1) public road on each of the east and west sides of South Chalkley Road. The exact location of these accesses shall be approved by the Transportation Department. No direct access shall be provided from the Property to Branders Creek Drive or to Carver Heights Drive.
- d. All roads that accommodate general traffic circulation through the Property (the "Public Roads"), as determined by the Transportation Department, shall be designed and constructed to VDOT standards and taken into the State System. Setbacks from the Public Roads shall be as identified for special access streets pursuant to Section 19-505(b) of the Zoning Ordinance. (T)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

F. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Litton, seconded by Mr. Wilson, that the meeting adjourned at approximately 7:55 p. m. to December 13, 2004, at 12:00 Noon in Room 502 of the Administration Building at the Chesterfield County Government Complex.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

Chairman/Date

Secretary/Date